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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,922	08/31/2001	Joseph B. Fuller	29409/01	2250
7590	11/15/2004		EXAMINER	
Joseph T. Guy, Ph.D. Nexsen Pruet Jacobs & Pollard, LLC PO Drawer 10648 Greenville, SC 29603-0648			TORRES, ALICIA M	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,922	FULLER, JOSEPH B. Alicia M Torres	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 August 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claim 1 is objected to because of the following informalities: in final line, “multidirectional” should be changed to –multidirectional— to be consistent with the specification. Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winslow in view of Moore '901.

Winslow discloses a device comprising:

A base (1) comprising a front and a rear;

A motor (not shown, see column 1, lines 38-41) attached directly to the base (1);

Two unidirectional wheels (3) attached directly to the front of the base (1);

A multidirectional wheel (4) attached directly to the rear of the base (1);

A handle (10); and

A universal joint (see Figure 4) comprising two non-parallel axles (13, 15) connecting the handle (10) to the rear of the base (1) above the multi-directional wheel (4), as per claim 1; and

Wherein the base (1) comprises a recess (see Figure 2), as per claim 2; and

Wherein the universal joint (40) comprises:

A handle couple (11) attached to the handle (10);

A link (12) rotatably attached to the handle couple (11); and

A bracket (14) rotatably attached to the link (12) and attached to the base (1), as per claim

4.

While Winslow discloses that the connection may be used on a lawn mower, Winslow does not specifically disclose wherein the motor is attached to and rotates a cutting element wherein the cutting element comprises at least one line.

Moore discloses a wheeled lawn mower wherein the motor (6) is attached to and rotates a cutting element (11) wherein the cutting element (11) comprises at least one line.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the cutting line of Moore on the lawn mower of Winslow in order to provide a cutting device with simple and lightweight construction.

With respect to the multidirectional wheel (4) of Winslow, it appears the wheel is multidirectional since a user would be forced to drag the wheel (4) across the lawn in order to get from the position shown in Figure 2 to that of Figure 3 if the structure were any otherwise.

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4. If Applicant disputes the above assessment of Winslow, Hampton US No. 5,806,867 discloses a wheeled device steered by a handle (36) connected to a base (10) through a universal joint (40), the base (10) including unidirectional wheels (30b, 30c) and multidirectional wheels (30b, 30d) located opposite the unidirectional wheels and below the universal joint.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the multidirectional wheels of Hampton on the device of Winslow and Moore in order to allow easy steering.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winslow in view of Moore '901 as applied to claim 1 above, and further in view of Yamada.

The device is disclosed as applied to claim 1 above. However, Winslow and Moore fail to disclose a lower grip attached to the handle.

Yamada discloses a trimmer including a lower grip.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the lower grip of Yamada on the device of Winslow and Moore '901 in order to support the apparatus in good balance.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winslow in view of Moore '901 as applied to claim 1 above, and further in view of Knox, Jr.

The device is disclosed as applied to claim 1 above. However, Winslow and Moore fail to disclose wherein the motor is an electric motor.

Knox, Jr. discloses a trimmer wherein the motor (33) is an electric motor.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the electric motor of Knox on the device of Winslow and Moore '901 in order to provide a lightweight power means.

Response to Arguments

7. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

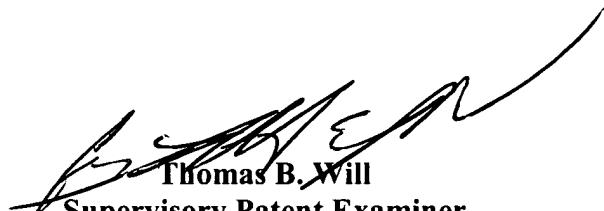
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.



Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
November 3, 2004